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7
8 UNITED STATES DISTRICT COURT
9 DISTRICT OF NEVADA
10 *****

11 EDWARD NICHOLAS, individually,
12 Plaintiff,

13 v.

14 INDIAN HARBOR INSURANCE COMPANY, a
Foreign Corporation; doe defendant I, an individual;
15 DOES I through X, inclusive; and ROE
16 CORPORATIONS XI through XX, inclusive,
17 Defendants.

CASE NO.: 2:20-cv-01934-GMN-BNW

**PROPOSED JOINT DISCOVERY
PLAN AND SCHEDULING ORDER**

18 **PROPOSED JOINT DISCOVERY PLAN AND SCHEDULING ORDER**
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20 Pursuant to Local Rule 26-1(e), the parties submit their proposed Discovery Plan and Scheduling
21 Order:

- 22 1. **Meeting:** Pursuant to FRCP 26(f), the parties conducted a conference on April 20, 2021,
23 and was attended by:
24 Rebekah L. Rini, Esq. for Plaintiff and Chad A. Harrison, Esq. for Defendant.
- 25 2. **Pre-Discovery Disclosures:** Pursuant to FRCP Rule 26(a)(1), the Defendant served its
26 disclosures on November 17, 2020 and Plaintiff served his disclosures on September 24,
27 2020.
- 28 3. **Areas of Discovery:** The parties agree that the areas of discovery should include, but not be
limited to: all claims and defenses allowed pursuant to the Federal Rules of Civil Procedure.

4. **Discovery Plan:** The parties jointly propose to the Court the following discovery plan:
- a. **Discovery Cut-Off Date:** Defendants filed their Notice of Removal on October 20, 2020. Based upon the Court's minute order of June 8, 2021, the parties will have four (4) months for discovery. Specifically, the parties will have 121 days for discovery from the date of the Court's minute order of June 8, 2021, which equates to a discovery cut-off date of October 8, 2021.
- b. **Amending the Pleadings and Adding Parties:** The parties shall have until July 9, 2021, to file any motions to amend the pleadings to add parties. This is 90 days before the discovery cutoff.
- c. **FRCP 26(a)(2) Disclosure of Experts:** Disclosure of experts shall proceed according to FRCP Rule 26(a)(2) and LR 26-1(e)(3) as follows: The disclosure of experts and their reports shall occur on or before August 9, 2021. The disclosure of rebuttal experts and their reports shall occur on or before September 8, 2021. These deadlines are 60 and 30 days before the discovery cutoff date, respectively.
- d. **Dispositive Motions:** The parties shall have until November 5, 2021, to file dispositive motions. This is 30 days after the discovery cutoff date, as required by LR 26-1(e)(4).
- e. **Pre-Trial Order:** The parties will prepare a Consolidated Pre-Trial Order on or before December 3, 2021, which is not more than 30 days after the date set for filing dispositive motions in the case as required by LR 26-1(e)(5). This deadline will be suspended if dispositive motions are timely filed until 30 days after the decision of the dispositive motions or until further order of the Court. The disclosure required by FRCP 26(a)(3), and objections thereto, shall be made in the Pre-Trial Order.
- f. **Extensions or Modifications of the Discovery Plan and Scheduling Order:** LR 26-4 governs modifications or extensions of this Discovery Plan and Scheduling Order. Any stipulation or motion must be made not later than 21 days before the expiration of the subject deadline.
5. **Alternative Dispute Resolution:** The parties have met and conferred about the possibility of using alternative dispute resolution process, including mediation, arbitration, and if

applicable, early neutral evaluation.

6. **Alternative Forms of Case Disposition:** The parties have considered consent to trial by a magistrate judge under 28 U.S.C. § 636(c) and FRCP 73 and the use of the Short Trial Program.

7. **Electronic Evidence:** The parties have discussed whether they intend to present evidence in electronic format to jurors for the purposes of jury deliberations. The parties stipulate to provide discovery in an electronic format compatible with the court's electronic jury evidence display system.

Dated this 15th day of June, 2021.


Dated this 15th day of June, 2021.

EDWARD M. BERNSTEIN & ASSOCIATES

SELMAN BREITMAN LLP

/s/ Chad A. Harrison, Esq.


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ORDER

IT IS SO ORDERED.


UNITED STATES MAGISTRATE JUDGE

DATED: June 21, 2021